

**REMARKS/ARGUMENTS**

Reconsideration and withdrawal of the rejections of the application are respectfully requested in view of the amendments and remarks herewith, which place the application into condition for allowance. The present amendment is being made to facilitate prosecution of the application.

**I. STATUS OF THE CLAIMS AND FORMAL MATTERS**

Claims 1-7 and 9-21 are pending. Claims 1 and 9, which are independent, are hereby amended. Claim 8 has been canceled without prejudice or disclaimer of subject matter. It is submitted that the pending claims, as originally presented, were in full compliance with the requirements 35 U.S.C. §112. No new matter has been introduced by this amendment. Support for this amendment is provided throughout the Specification and specifically on page 24-26 and Figures 11 and 13. Changes to claims are not made for the purpose of patentability within the meaning of 35 U.S.C. §101, §102, §103, or §112. Rather, these changes are made simply for clarification and to round out the scope of protection to which the Applicant is entitled.

**II. REJECTIONS UNDER 35 U.S.C. §103(a)**

Claims 1-7, 9-15, and 19 were rejected under 35 U.S.C. §103(a) as allegedly unpatentable over U.S. Patent No. 6,934,964 to Schaffer, et al. (hereinafter, merely “Schaffer”) in view of U.S. Patent No. 7,178,107 to Sezan, et al. (hereinafter, merely “Sezan”).

Claims 16, 17, 18, 20, and 21 were rejected under 35 U.S.C. §103(a) as allegedly unpatentable over Schaffer in view of Sezan and further in view of U.S. Patent No. 6,904,227 to Yamamoto (hereinafter, merely “Yamamoto”).

Claim 1 recites, *inter alia*:

“...display means for displaying, on the display device, the index picture formed by said picture processing means and a user generated comment associated with the index picture...

...wherein the index pictures generated from the contents data are a plurality of markers, each index picture representing a scene of a program, and

wherein the user generated comments associated with each of the plurality of markers represent a text description of the scene.” (emphasis added)

Claim 1 generally relates to displaying a plurality of index pictures, each a user-selected picture from the contents of a recorded program, representing a scene of the program. The pictures are accompanied by a user-specified text description to aid in identifying the scene of the program.

As understood by Applicant, Schaffer relates to an electronic programming guide system that employs a preference engine and a processing system that learns a viewer's television watching preferences by monitoring their viewing patterns. The system operates transparently to build a profile of a viewer's tastes that is used to recommend or automatically record television programs the viewer might be interested in watching.

As understood by Applicant, Sezan relates to using audio, image and video to provide user preference description.

Applicant submits that cited portions of Sezan, specifically, column 13, line 47 – column 14, line 14, do not teach the above-identified features of claim 1. Cited portions of Sezan teach using a description scheme API to browse contents which also contain a description scheme associated with their content. Sezan states, “[t]he description schemes

may be used in archiving audio-visual programs in a database." These description schemes allow a user to navigate through a database or query results.

As can be seen in Figures 4-12 of Sezan, and corresponding specification at column 15, lines 24-36, description schemes are described as including 3 sections. The first section identifies the program, the second defines a number of views, and the third define a number of profiles.

Furthermore, as can be seen at Figure 14 of Sezan, description schemes exist in a number of views. Sezan states, "[t]he thumbnail view description scheme 410 preferably includes an image 422 or reference to an image representative of the video content and a time reference 424 to the video."

Therefore, the description scheme of Sezan does not teach the features of claim 1. Specifically, Sezan fails to teach that the index pictures generated from the contents data are a plurality of markers, each index picture representing a scene of a program or that the user generated comments associated with each of the plurality of markers represent a text description of the scene and, therefore, does not render claim 1 unpatentable.

Applicant submits that nothing has been found in Sezan that would teach that the index pictures generated from the contents data are a plurality of markers, each representing a scene of a program, and that the user generated comments associated with each of the plurality of markers represent a text description of the scene.

Applicant submits nothing has been found in Schaffer, or Sezan, taken alone or in combination that would teach or suggest the above-identified features of claim 1. Specifically, Applicant submits that Schaffer and Sezan fail to teach display means for displaying, on the display device, the index picture formed by said picture processing means

and a user generated comment associated with the index picture wherein the index pictures generated from the contents data are a plurality of markers, each representing a scene of a program, and wherein the user generated comments associated with each of the plurality of markers represent a text description of the scene, as recited in claim 1.

Therefore, claim 1 is patentable.

For reasons similar to recited above, claim 9 is also patentable.

### **III. DEPENDENT CLAIMS**

The other claims in this application are each dependent from the independent claim discussed above and are therefore believed patentable for at least the same reasons. Since each dependent claim is also deemed to define an additional aspect of the invention, however, the individual reconsideration of the patentability of each on its own merits is respectfully requested.

Similarly, because Applicant maintains that all claims are allowable for at least the reasons presented hereinabove, in the interests of brevity, this response does not comment on each and every comment made by the Examiner in the Office Action. This should not be taken as acquiescence of the substance of those comments, and Applicants reserve the right to address such comments.

### **CONCLUSION**

In the event the Examiner disagrees with any of statements appearing above with respect to the disclosure in the cited reference, it is respectfully requested that the Examiner specifically indicate those portions of the reference providing the basis for a contrary view.

Please charge any additional fees that may be needed, and credit any overpayment, to our Deposit Account No. 50-0320.

In view of the foregoing amendments and remarks, it is believed that all of the claims in this application are patentable and Applicant respectfully requests early passage to issue of the present application.

Respectfully submitted,

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